

106TH CONGRESS  
1ST SESSION

# S. 1865

To provide grants to establish demonstration mental health courts.

---

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 1999

Mr. DEWINE (for himself and Mr. DOMENICI) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To provide grants to establish demonstration mental health  
courts.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “America’s Law En-  
5       forcement and Mental Health Project”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) fully 16 percent of all inmates in State pris-  
9       ons and local jails suffer from mental illness, accord-  
10      ing to a July, 1999 report, conducted by the Bureau  
11      of Justice Statistics;

1           (2) between 600,000 and 700,000 mentally ill  
2       persons are annually booked in jail alone, according  
3       to the American Jail Association;

4           (3) estimates say 25 to 40 percent of America's  
5       mentally ill will come into contact with the criminal  
6       justice system, according to National Alliance for the  
7       Mentally Ill;

8           (4) 75 percent of mentally ill inmates have been  
9       sentenced to time in prison or jail or probation at  
10      least once prior to their current sentence, according  
11      to the Bureau of Justice Statistics in July, 1999;  
12      and

13          (5) Broward County, Florida and King County,  
14      Washington, have created separate Mental Health  
15      Courts to place nonviolent mentally ill offenders into  
16      judicially monitored in-patient and out-patient men-  
17      tal health treatment programs, where appropriate,  
18      with positive results.

19   **SEC. 3. MENTAL HEALTH COURTS.**

20          (a) AMENDMENT.—Part V of title I of the Omnibus  
21      Crime Control and Safe Streets Act of 1968 is amended  
22      to read as follows:

1       **“PART V—MENTAL HEALTH**  
2                               **COURTS**

3   **“SEC. 2201. GRANT AUTHORITY.**

4       “The Attorney General shall make grants to States,  
5 State courts, local courts, units of local government, and  
6 Indian tribal governments, acting directly or through  
7 agreements with other public or nonprofit entities, for up  
8 to 125 programs that involve—

9               “(1) continuing judicial supervision, including  
10       periodic review, over preliminarily qualified offenders  
11       with mental illness, mental retardation, or co-occur-  
12       ring mental illness and substance abuse disorders,  
13       who are charged with nonviolent offenses; and

14              “(2) the coordinated delivery of services, which  
15       includes—

16               “(A) specialized training of law enforce-  
17       ment and judicial personnel to identify and ad-  
18       dress the unique needs of a mentally ill or men-  
19       tally retarded offender;

20               “(B) voluntary outpatient or inpatient  
21       mental health treatment that carries with it the  
22       possibility of dismissal of charges or reduced  
23       sentencing upon successful completion of treat-  
24       ment; and

1           “(C) centralized case management involv-  
2           ing the consolidation of all of a mentally ill or  
3           mentally retarded defendant’s cases, including  
4           violations of probation, and the coordination of  
5           all mental health treatment plans and social  
6           services, including life skills training, such as  
7           housing placement, vocational training, edu-  
8           cation, job placement, health care, and relapse  
9           prevention for each participant who requires  
10          such services.

11   **“SEC. 2202. DEFINITION.**

12          “In this part the term ‘preliminarily qualified of-  
13   fender with mental illness, mental retardation, or co-oc-  
14   curring mental and substance abuse disorders’ means a  
15   person who—

16           “(1)(A) previously or currently has been diag-  
17   nosed by a qualified mental health professional as  
18   having a mental illness, mental retardation, or co-oc-  
19   curring mental illness and substance abuse dis-  
20   orders; or

21           “(B) manifests obvious signs of mental illness,  
22   mental retardation, or co-occurring mental illness  
23   and substance abuse disorders during arrest or con-  
24   finement or before any court; and

25           “(2) is deemed eligible by designated judges.

1 **“SEC. 2203. ADMINISTRATION.**

2 “(a) CONSULTATION.—The Attorney General shall  
3 consult with the Secretary of Health and Human Services  
4 and any other appropriate officials in carrying out this  
5 part.

6 “(b) USE OF COMPONENTS.—The Attorney General  
7 may utilize any component or components of the Depart-  
8 ment of Justice in carrying out this part.

9 “(c) REGULATORY AUTHORITY.—The Attorney Gen-  
10 eral shall issue regulations and guidelines necessary to  
11 carry out this part which include, but are not limited to,  
12 the methodologies and outcome measures proposed for  
13 evaluating each applicant program.

14 “(d) APPLICATIONS.—In addition to any other re-  
15 quirements that may be specified by the Attorney General,  
16 an application for a grant under this part shall—

17 “(1) include a long-term strategy and detailed  
18 implementation plan;

19 “(2) explain the applicant’s inability to fund the  
20 program adequately without Federal assistance;

21 “(3) certify that the Federal support provided  
22 will be used to supplement, and not supplant, State,  
23 Indian tribal, and local sources of funding that  
24 would otherwise be available;

1           “(4) identify related governmental or commu-  
2           nity initiatives which complement or will be coordi-  
3           nated with the proposal;

4           “(5) certify that there has been appropriate  
5           consultation with all affected agencies and that there  
6           will be appropriate coordination with all affected  
7           agencies in the implementation of the program;

8           “(6) certify that participating offenders will be  
9           supervised by one or more designated judges with re-  
10          sponsibility for the mental health court program;

11          “(7) specify plans for obtaining necessary sup-  
12          port and continuing the proposed program following  
13          the conclusion of Federal support;

14          “(8) describe the methodology and outcome  
15          measures that will be used in evaluating the pro-  
16          gram; and

17          “(9) certify that participating first time offend-  
18          ers without a history of a mental illness will receive  
19          a mental health evaluation.

20   **“SEC. 2204. APPLICATIONS.**

21          “To request funds under this part, the chief executive  
22          or the chief justice of a State or the chief executive or  
23          chief judge of a unit of local government or Indian tribal  
24          government shall submit an application to the Attorney

1 General in such form and containing such information as  
2 the Attorney General may reasonably require.

3 **“SEC. 2205. FEDERAL SHARE.**

4       “The Federal share of a grant made under this part  
5 may not exceed 75 percent of the total costs of the pro-  
6 gram described in the application submitted under section  
7 2205 for the fiscal year for which the program receives  
8 assistance under this part, unless the Attorney General  
9 waives, wholly or in part, the requirement of a matching  
10 contribution under this section. The use of the Federal  
11 share of a grant made under this part shall be limited  
12 to new expenses necessitated by the proposed program, in-  
13 cluding the development of treatment services and the hir-  
14 ing and training of personnel. In-kind contributions may  
15 constitute a portion of the non-Federal share of a grant.

16 **“SEC. 2206. GEOGRAPHIC DISTRIBUTION.**

17       “The Attorney General shall ensure that, to the ex-  
18 tent practicable, an equitable geographic distribution of  
19 grant awards is made that considers the special needs of  
20 rural communities, Indian tribes, and Alaska Natives.

21 **“SEC. 2207. REPORT.**

22       “A State, Indian tribal government, or unit of local  
23 government that receives funds under this part during a  
24 fiscal year shall submit to the Attorney General a report

1 in March of the following year regarding the effectiveness  
2 of this part.

3 **“SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**  
4 **UATION.**

5 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The  
6 Attorney General may provide technical assistance and  
7 training in furtherance of the purposes of this part.

8 “(b) EVALUATIONS.—In addition to any evaluation  
9 requirements that may be prescribed for grantees, the At-  
10 torney General may carry out or make arrangements for  
11 evaluations of programs that receive support under this  
12 part.

13 “(c) ADMINISTRATION.—The technical assistance,  
14 training, and evaluations authorized by this section may  
15 be carried out directly by the Attorney General, in collabo-  
16 ration with the Secretary of Health and Human Services,  
17 or through grants, contracts, or other cooperative arrange-  
18 ments with other entities.”.

19 (b) TECHNICAL AMENDMENT.—The table of contents  
20 of title I of the Omnibus Crime Control and Safe Streets  
21 Act of 1968 (42 U.S.C. 3711 et seq.), is amended by in-  
22 serting after part U the following:

“PART V—MENTAL HEALTH COURTS

“Sec. 2201. Grant authority.

“Sec. 2202. Definition.

“Sec. 2203. Administration.

“Sec. 2204. Applications.

“Sec. 2205. Federal share.

“Sec. 2206. Geographic distribution.



“Sec. 2207. Report.

“Sec. 2208. Technical assistance, training, and evaluation.”.

1       (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 1001(a) of title I of the Omnibus Crime Control and Safe  
3 Streets Act of 1968 (42 U.S.C. 3793(a)), is amended by  
4 inserting after paragraph (19) the following:

5       “(20) There are authorized to be appropriated to  
6 carry out part V, \$10,000,000 for each of fiscal years  
7 2000 through 2004.”.

○